REMARKS:

Claims 29-52, and 54-56 are currently pending in the application.

Claim 53 is hereby canceled herewith, without *prejudice*.

Claims 1-28 have been previously canceled, without *prejudice*.

The specification stands objected to.

Claim 53 stands rejected under 35 U.S.C. § 112, second paragraph.

Claims 45-53 stand rejected under 35 U.S.C. § 101.

Claims 29-56 stand rejected under 35 U.S.C. § 103(a) over U.S. Publication No. 2008/0126265 to Livesay et al. (*"Livesay"*) in view of U.S. Patent No. 6,874,141 to Swamy et al. (*"Swamy"*).

Applicant notes with thanks the Examiner's response of 29 April 2009. Applicant further notes with thanks the Examiner's withdrawal of the previous rejections of Claims 29-56 under U.S.C. § 102(e) over *Livesay*.

Applicant respectfully submits that all of Applicant's arguments and amendments are without *prejudice* or *disclaimer*. In addition, Applicant has merely discussed example distinctions from the cited prior art. Other distinctions may exist, and as such, Applicant reserves the right to discuss these additional distinctions in a future Response or on Appeal, if appropriate. Applicant further respectfully submits that by not responding to additional statements made by the Examiner, Applicant does not acquiesce to the Examiner's additional statements. The example distinctions discussed by Applicant are considered sufficient to overcome the Examiner's rejections. In addition, Applicant reserves the right to pursue broader claims in this Application or through a continuation patent application. No new matter has been added.

REJECTION UNDER 35 U.S.C. § 112:

Claim 53 stands rejected under 35 U.S.C. § 112, second paragraph. Applicant respectfully disagree.

Nonetheless, Applicant has canceled Claim 53 to expedite prosecution of this Application. By making this amendment, Applicant does not indicate agreement with or acquiescence to the Examiner's position with respect to the rejections of this claim under 35 U.S.C. § 112, as set forth in the Office Action. Particularly, Applicant reserves the right to file additional claims in this Application or through a continuation patent application of substantially the same scope of Claim 53.

REJECTION UNDER 35 U.S.C. § 101:

Claims 45-53 stand rejected under 35 U.S.C. § 101 as allegedly being directed towards non-statutory subject matter. Applicant respectfully disagrees.

In particular, the Examiner states:

> Claims 45-53 refers to a "computer-readable medium". Since the specification does not have support for the computer-readable medium, Examiner is relying on extrinsic evidence stating that the computer medium could be directed a software per se. wherein a series of modules are to be executed. The claims do not define structural and functional descriptive material used in interrelationship between the computer software and the hardware like a memory or processor.

Applicant respectfully submits that Claim 45 states a "computer-readable medium embodied with software for translating between schemas, the software when executed using one or more computers is configured to." As such, Applicant respectfully requests clarification of the Examiner's statement that the "Examiner is relying on extrinsic evidence stating that the computer medium could be directed a software per se." The Examiner may call the undersigned at (480) 830-2700, if the Examiner believes it would be easier to discuss the 35 U.S.C. § 101 rejection over the telephone.

Applicant respectfully submits that Claims 45-53 are in full conformance with 35 U.S.C. § 101.

REJECTION UNDER 35 U.S.C. § 103(a):

Claims 29-56 stand rejected under 35 U.S.C. § 103(a) over *Livesay* in view of *Swamy*.

Applicant respectfully submits that *Livesay* and *Swamy*, either individually or in combination, fail to disclose each and every element of Claims 29-52 and 54-56. Thus, Applicants respectfully traverse the Examiner's obvious rejection of Claims 29-56 under 35 U.S.C. § 103(a) over the proposed combination of *Livesay* and *Swamy*, either individually or in combination.

The Proposed *Livesay-Swamy* Combination Fails to Disclose Various Limitations Recited in Applicant's Claims

For example, with respect to Claim 29, this claim recites:

> An *electronic commerce system*, comprising:
> a *global content directory server* coupled with one or more seller databases over a network, the global content directory server providing a plurality of buyer computers access to the one or more seller databases, the global content directory server comprising:
> a storage medium stored therein a schema translation tool comprising:
> a storage medium stored therein a *mapping module* configured to:
> *receive information regarding a source schema and a target schema*, the source and target schemas each comprising a taxonomy comprising a hierarchy of classes into which products are categorized, wherein the target schema comprises a different taxonomy then the taxonomy of the source schema, at least the source schema further comprising a product ontology associated with one or more of the classes, each product ontology comprising one or more product attributes; and
> *associate one or more source classes of the source schema with one or more target classes of the target schema*; and
> a storage medium stored therein an ontology generation module configured to generate a product ontology for each of the target classes based on the product ontologies of the associated source classes.

(Emphasis Added). In addition, *Livesay* and *Swamy* fail to disclose each and every element of Claims 37, 45, and 54-56.

Applicant respectfully submits that *Livesay* fails to disclose a *"mapping module,"* as required by Claim 29. In particular, the Examiner alleges:

> **a storage medium stored therein a mapping module configured to:**
> **receive information regarding a source schema and a target schema, the source**
> **and target schemas each comprising a taxonomy comprising a hierarchy of**
> **classes into which products may be categorized,**
> (FIG. 5 and paragraph [0019], indicate the plurality of schema (XML data files) (buyer and seller) wherein the profile content grouping parameter is (taxonomy hierarchy of classes)).
> **wherein the target schema comprises a different taxonomy then the taxonomy**
> **of the source schema,** (Paragraph [0019], indicate the plurality of schema having different profile content (taxonomy data)).
> **at least the source schema further comprising a product ontology associated**
> **with one or more of the classes, each product ontology comprising one or more**
> **product attributes;**
> (FIG. 5 and paragraph [0019], illustrate the association of the buyer and seller based on profile content (product ontology) parameter (class))
> **and a storage medium stored therein an ontology generation module**
> **configured to generate a product ontology for each of the target classes based**
> **au the product ontologies of the associated source classes.**
> (FIG. 5 and paragraph [0019], illustrate the association of the buyer and seller based on a "best fit" match (ontology association) of profile attributes(class)).

(29 April 2009 Office Action, pages 4-5). (Emphasis original). Applicant respectfully disagrees with all the above and draws the Examiner's attention to Figure 5 and paragraph [0019] of the specification of *Livesay*, provided below, on which the Examiner relies:
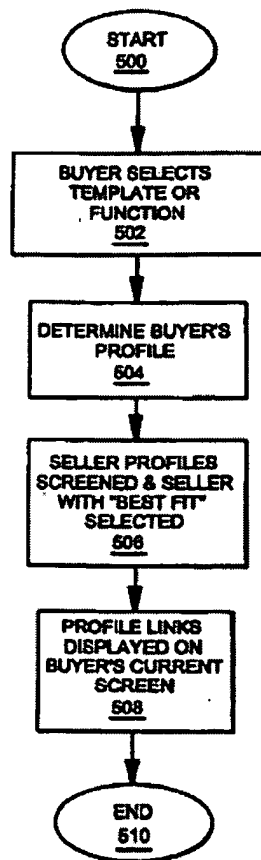
FIG.5

The present invention also preferably utilizes databases of sellers within which profiles have been established to determine which sellers and which either goods or services, or goods and services are to be targeted to the various buyers at any time via a Profile Link. For example, a database on seller XYZ may indicate that XYZ provides goods in categories 1, 2 and 3. When buyer ABC accesses an on-line site or an application wherein goods in category number 2 are utilized, the present invention recognizes that XYZ provides such goods, and provides targeted marketing about XYZ's capabilities or products to ABC, via a Profile Link, provided with the information page ABC is currently reviewing. The present invention may also recognize that ABC, for whatever reason, does not wish to engage in business with XYZ, or vice versa and thus, does not provide a Profile Link to XYZ's information. Thus, the present invention utilizes Profile Links to target the marketing of either goods or services, or goods and services to those most likely in need of such goods or services, or goods and services, especially while a buyer is actively pursuing the procurement of such goods or services, or goods and services.

(Paragraph [0019]). As shown above, Applicant respectfully submits that the portions of *Livesay*, on which the Examiner relies fails to disclose at least the following limitations of Claim 29:

a storage medium stored therein a schema translation tool comprising:

a storage medium stored therein a *mapping module* configured to:

receive information regarding a source schema and a target schema, the source and target schemas each comprising a taxonomy comprising a hierarchy of classes into which products are categorized, wherein the target schema comprises a different taxonomy then the taxonomy of the source schema, at least the source schema further comprising a product ontology associated with one or more of the classes, each product ontology comprising one or more product attributes; and

* * *

a storage medium stored therein an ontology *generation module* configured to *generate a product ontology for each of the target classes based on the product ontologies of the associated source classes*.

By contrast, the cited portion of *Livesay* does not disclose a *"mapping module"*, wherein the *"mapping module"* is "configured to: *receive information regarding a source schema and a target schema*, the source and target schemas each comprising a taxonomy comprising a hierarchy of classes into which products are categorized, wherein the target schema comprises a different taxonomy then the taxonomy of the source schema, at least the source schema further comprising a product ontology associated with one or more of the classes, each product ontology comprising one or more product attributes" or an *"ontology generation module* configured to *generate a product ontology for each of the target classes based on the product ontologies of the associated source classes*," as recited in Claim 29. (Emphasis added).

The question is not simply whether *Livesay* describes a *"mapping module"* or a *"ontology generation module"* but whether *Livesay* describes a *"mapping module" configured to receive information regarding a source schema and a target schema and associate one or more source classes of the source schema with one or more target classes of the target schema* and an *"ontology generation module" configured to generate a product ontology for each of the target classes based on the product ontologies of the associated source classes*, as required by Claim 29.

In fact, as clearly shown in Figure 5 and paragraph [0019] of the specification of *Livesay*, on which the Examiner relies, *Livesay does not expressly describe a "mapping module"* or an *"ontology generation module"* of any kind. The Examiner relies on Fig. 5 and (Paragraph [0019]) of *Livesay* as evidence that *Livesay* describes the claimed *"mapping module"* and an *"ontology generation module."* (29 April 2009 Office Action, pages 4-5). However, *Applicant can find no express description of a "mapping module" or an "ontology generation module"* in Fig. 5 and Paragraph [0019] of the specification of *Livesay*.

Accordingly, to anticipate Claim 29, *Livesay* must inherently describe the claimed *"mapping module"* and the claimed *"ontology generation module."*

In that regard, the Examiner states "FIG. 5 and paragraph [0019], indicate the plurality of schema (XML data files) (buyer and seller) wherein the profile content grouping parameter is (taxonomy hierarchy of classes)." (29 April 2009 Office Action, page 4). However, *Livesay* (Paragraph [0019]) *does not say*, as the Examiner appears to be suggesting, that *Livesay receives information regarding a source schema and a target schema.*

In addition, the Examiner further states "FIG. 5 and paragraph [0019], illustrate the association of the buyer and seller based on a "best fit" match (ontology association) of profile attributes(class)." (29 April 2009 Office Action, page 4). However, *Livesay* (Paragraph [0019]) *does not say*, as the Examiner appears to be suggesting, that *Livesay generates a product ontology for each of the target classes based on the product ontologies of the associated source classes.* In fact, as discussed below and as acknowledged by the Examiner *Livesay* does not disclose *associating one or more source classes of the source schema with one or more target classes of the target schema*, therefore *Livesay* cannot *generate a product ontology for each of the target classes based on the product ontologies of the associated source classes*, as required by Claim 29.

To the extent the Examiner means to argue that *Livesay* **might** *receive information regarding a source schema and a target schema or* **might** *generate a product ontology for each of the target classes based on the product ontologies of the associated source classes* and that Fig. 5 and (Paragraph [0019]) of *Livesay* would inherently represent a *"mapping module"* and an *"ontology generation module,"* "[i]nherent anticipation requires that the missing descriptive

material is 'necessarily present,' not merely probably or possibly present, in the prior art." Trintec Indus., Inc. v. Top-US.A. Corp., 295 F.3d 1292, 1295 (Fed. Cir. 2002) (quoting In re Robertson, 169 F.3d 743, 745 (Fed. Cir. 1999)). *Applicant is <u>unable to discern</u> from the passages relied upon by the Examiner* that a "*mapping module*" or a "*ontology generation module*" is necessarily present in *Livesay*. *<u>While it may be possible</u>,* "[i]nherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient." Hansgirg v. Kemmer, 102 F.2d 212, 214 (CCPA 1939), quoted in Continental Can Co. USA v. Monsanto Co., 948 F.2d 1264, 1269 (Fed. Cir. 1991).

Furthermore, as noted above, *the question is <u>not merely whether</u> Livesay* describes a "*mapping module*" or an "*ontology generation module*" *<u>but</u>* whether *Livesay* describes a "*mapping module*" *configured to receive information regarding a source schema and a target schema* and an "*ontology generation module*" *configured to generate a product ontology for each of the target classes based on the product ontologies of the associated source classes*, as described in Claim 29.

Accordingly, *Livesay <u>does not inherently describe</u>* a "*mapping module*" or an "*ontology generation module*" as defined in Claim 29.

Thus, Applicant respectfully submits that the Office Action fails to establish a *prima facie* case of anticipation of Claim 29 under 35 U.S.C. § 102 with respect to *Livesay* because *Livesay* fails to expressly or inherently describe a "*mapping module*" or an "*ontology generation module*," as claimed in Claim 29. Applicant further respectfully submits that these distinctions alone are sufficient to patentably distinguish Claim 29 from *Livesay*.

The Office Action Acknowledges that *Livesay* Fails to Disclose Various Limitations Recited in Applicants Claims

Applicant respectfully submits that the Office Action acknowledges, and Applicant agrees, that *Livesay* fails to disclose various limitations recited in Claim 29. Specifically the Examiner states:

Livesay discloses receiving data and translating (mapping) to standard XML or EDI (paragraph [0079]) but does not go into detail regarding the mapping tool product, however in an analogous art of data mapping/translating, Swamy teaches:
and associate one or more source classes of the source schema with one or more target classes of the target schema;
(FIG. II and Column 2, lines 58-66).

(29 April 2009 Office Action, page 5). However, the Examiner asserts that the cited portions of *Swamy* disclose the acknowledged shortcomings in *Livesay*. Applicant respectfully disagrees and respectfully traverses the Examiner's assertions regarding the subject matter disclosed in *Swamy*.

Applicant respectfully draws the Examiner's attention to Figure 2 and Column 2, lines 58-66 of the specification of *Swamy*, provided below, on which the Examiner relies:
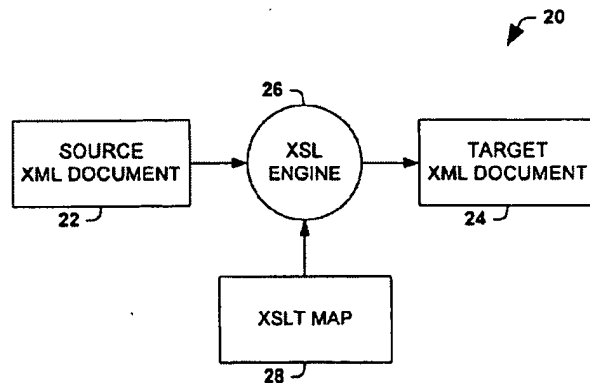

FIG. 2

SUMMARY OF THE INVENTION

A method and system are provided for compiling a mapping between two documents or schemas, which generates a coded mapping. The invention takes a user-defined mapping between a source schema representing the definition of a source document, and a target schema representing a target document, and compiles the mapping into code for execution in a computer system. The represented documents may be XML documents, and the generated code may be, for example, extensible sheetstyle language (XSL).

As shown above, Applicant respectfully submits that the portions of *Swamy*, on which the Examiner relies fails to disclose at least the following limitations of Claim 29:

> a storage medium stored therein a *mapping module* configured to:
> * * *
> *associate one or more source classes of the source schema with one or more target classes of the target schema*

Rather, the portions of *Swamy* relied upon by the Examiner merely disclose, among other things, "compiling a mapping between two documents or schemas, which generates a coded mapping." Nowhere in the disclosure of *Swamy* is there a "*mapping module*" configured to "*associate one or more source classes of the source schema with one or more target classes of the target schema*," as required by Claim 29.

Applicant respectfully submits that compiling a mapping between two documents or schemas as disclosed in *Swamy* is *not analogous* to a "*mapping module*" configured to "*associate one or more source classes of the source schema with one or more target classes of the target schema*." More specifically, merely compiling a mapping between two schemas in *Swamy* fails to equate to *associating one or more source classes of the source schema with one or more target classes of the target schema*, as required by Claim 29. Furthermore, *Swamy* is silent and therefore provides no disclosure of a "*mapping module*" of any kind.

Therefore, introducing *Swamy* into the proposed combination fails to render obvious the affirmatively claimed action of *associating one or more source classes of the source schema with one or more target classes of the target schema* because, among other things the disclosure of *Swamy* fails to yield any result (i.e., merely compiling a mapping between two documents or schemas) let alone a predictable result for the above-referenced elements of Claim 29. Accordingly, Applicant respectfully requests that the rejection of Claims 29-52, and 54-56 as obvious over the proposed combination of *Livesay* and *Swamy* be withdrawn and Claims 29-52, and 54-56 be allowed.

The Office Action Fails to Properly Establish a *Prima Facie* case of Obvious over the Proposed *Livesay-Swamy* Combination According to the UPSTO Examination Guidelines

Applicant respectfully submits that the Office Action fails to properly establish a *prima facie* case of obviousness based on the proposed combination of *Livesay* and *Swamy*, either individually or in combination, and in particular, the Office Action fails to establish a *prima facie* case of obviousness based on the "Examination Guidelines for Determining Obviousness Under 35 U.S.C. 103 in View of the Supreme Court Decision in *KSR International Co. v. Teleflex Inc.*" (the "Guidelines").

As reiterated by the Supreme Court in *KSR International Co. v. Teleflex Inc. (KSR)*, the framework for the objective analysis for determining obviousness under 35 U.S.C. 103 is stated in *Graham v. John Deere Co.* (383 U.S. 1, 148 USPQ 459 (1966)). Obviousness is a question of law based on underlying factual inquiries. These factual inquiries enunciated by the Court are as follows:

> (1) Determining the scope and content of the prior art;
> (2) Ascertaining the differences between the claimed invention and the prior art; and
> (3) Resolving the level of ordinary skill in the pertinent art.

(Notice, 72 Fed. Reg. 57527 (Oct. 10, 2007)). Objective evidence relevant to the issue of obviousness must be evaluated by Office personnel. (383 U.S. 17–18, 148 USPQ 467 (1966)). As stated by the Supreme Court in *KSR*, "While the sequence of these questions might be reordered in any particular case, the [*Graham*] factors continue to define the inquiry that controls." (*KSR*, 550 U.S. at __, 82 USPQ2d at 1391).

However, it is important to note that the Guidelines require that Office personnel "*ensure that the written record includes findings of fact concerning the state of the art and the teachings of the references applied.* (Notice, 72 Fed. Reg. 57527 (Oct. 10, 2007)). In addition, the Guidelines remind Office personnel that the "*factual findings made by Office personnel are the necessary underpinnings to establish obviousness.*" (*id.*). Further, "*Office personnel must provide an explanation to support an obviousness rejection* under 35 U.S.C. 103. (*id.*). In fact, "35 U.S.C. 132 requires that the applicant be notified of the reasons for the rejection of the claim so

that he or she can decide how best to proceed" and "clearly setting forth findings of fact and the rationale(s) to support a rejection in an Office action leads to the prompt resolution of issues pertinent to patentability." (*id.*).

With respect to the subject application, the Office Action has not shown the *factual findings necessary to establish obviousness* or even *an explanation to support the obviousness rejection* based on the proposed combination of *Livesay* and *Swamy*. The Office Action merely states that "it would have been obvious to a person in the ordinary skill in the art at the time of the invention to combine Livesay and Swamy by incorporating the teaching of Swamy into the system of Livesay." (29 April 2009 Office Action, page 5). Applicant respectfully disagrees and respectfully submits that the Examiner's conclusory statement is not sufficient to establish the *factual findings necessary to establish obviousness* and is not a sufficient *explanation to support the obviousness rejection* based on the proposed combination of *Livesay* and *Swamy*. *Applicant respectfully requests that the Examiner provide proper support for the obviousness rejection under 35 U.S.C. 103 as necessitated by the Guidelines, including the factual findings necessary to establish obviousness to "ensure that the written record includes findings of fact concerning the state of the art and the teachings of the references applied.* (Notice, 72 Fed. Reg. 57527 (Oct. 10, 2007)).

The Guidelines further provide guidance to Office personnel in "determining the scope and content of the prior art" such as, for example, "Office personnel must first obtain a thorough understanding of the invention disclosed and claimed in the application." (Notice, 72 Fed. Reg. 57527 (Oct. 10, 2007)). The scope of the claimed invention must be clearly determined by giving the claims the "broadest reasonable interpretation consistent with the specification." (*See* Phillips v. AWH Corp., 415 F.3d 1303, 1316, 75 USPQ2d 1321, 1329 (Fed. Cir. 2005) and MPEP § 2111.). In addition, the Guidelines state that any *"obviousness rejection should include*, either explicitly or implicitly in view of the prior art applied, *an indication of the level of ordinary skill.*" (Notice, 72 Fed. Reg. 57528 (Oct. 10, 2007)). With respect to the subject Application, the Office Action has not provided *an indication of the level of ordinary skill. Applicant respectfully requests that the Examiner provide proper support for the obviousness rejection under 35 U.S.C. 103 as necessitated by the Guidelines, including an indication of the level of ordinary skill, relied upon by the Examiner.* (Notice, 72 Fed. Reg. 57527 (Oct. 10, 2007)).

The Guidelines still further provide that once the *Graham* factual inquiries are resolved, Office personnel must determine whether the claimed invention would have been obvious to one of ordinary skill in the art. (*Id.*). For example, the Guidelines state that *Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art.* (*Id.*). In addition, the Guidelines state that the proper analysis is *whether the claimed invention would have been obvious to one of ordinary skill in the art after consideration of all the facts.* (*Id.* and *See* 35 U.S.C. 103(a)).

With respect to the subject Application, the Office Action has not expressly resolved any of the *Graham* factual inquiries to determine whether Applicant's invention would have been obvious to one of ordinary skill in the art. In addition, the Office Action fails to *explain why the difference(s) between the proposed combination of Livesay, Swamy and Applicant's claimed invention would have been obvious to one of ordinary skill in the art.* The Office Action merely states that one "having ordinary skill in the art would have found it motivated to use the mapping tool of Swamy into the system of Livesay for the purpose of providing a hieratical data mapping." (29 April 2009 Office Action, page 5). Applicant respectfully disagrees and further respectfully requests clarification as to how this statement *explains why the difference(s) between the proposed combination of Livesay, Swamy and Applicant's claimed invention would have been obvious to one of ordinary skill in the art.* Applicant further respectfully submits that the Examiner is using the subject Application as a template to formulate reconstructive hindsight, which constitutes impermissible use of hindsight under 35 U.S.C. § 103(a).

The Guidelines yet further state that the "key to supporting any rejection under 35 U.S.C. 103 is the *clear articulation of the reason(s) why the claimed invention would have been obvious.*" (Notice, 72 Fed. Reg. 57528 (Oct. 10, 2007)). In fact, the Supreme Court in *KSR* noted that "*the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit.*" (*id.*). The Court quoting *In re Kahn* (441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006)), stated that "'[R]ejections on *obviousness cannot be sustained by mere conclusory statements*; instead, there *must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.*'" (*KSR*, 550 U.S. at __, 82 USPQ2d at 1396). The Guidelines provide the following seven rationales:

(A) Combining prior art elements according to known methods to yield predictable results;

(B) Simple substitution of one known element for another to obtain predictable results;

(C) Use of known technique to improve similar devices (methods, or products) in the same way;

(D) Applying a known technique to a known device (method, or product) ready for improvement to yield predictable results;

(E) "Obvious to try"—choosing from a finite number of identified, predictable solutions, with a reasonable expectation of success;

(F) Known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations would have been predictable to one of ordinary skill in the art;

(G) Some teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the prior art reference or to combine prior art reference teachings to arrive at the claimed invention.

Applicant respectfully submits that the *Office Action fails to provide any articulation, let alone, clear articulation of the reasons why Applicant's claimed invention would have been obvious*. For example, the *Examiner has not adequately supported the selection and combination of Livesay and Swamy to render obvious Applicant's claimed invention*. The Examiner's unsupported conclusory statements that "it would have been obvious to a person in the ordinary skill in the art at the time of the invention to combine Livesay and Swamy by incorporating the teaching of Swamy into the system of Livesay" and "one "having ordinary skill in the art would have found it motivated to use the mapping tool of Swamy into the system of Livesay for the purpose of providing a hieratical data mapping," *does not adequately provide clear articulation of the reasons why Applicant's claimed invention would have been obvious*. (29 April 2009 Office Action, page 5). In addition, the Examiner's unsupported conclusory statement fails to meet any of the Guidelines rationales to render obvious Applicant's claimed invention.

Thus, if the Examiner continues to maintain the obvious rejection based on the proposed combination of *Livesay* and *Swamy*, *Applicant respectfully requests that the Examiner provide proper support for the obviousness rejection under 35 U.S.C. 103 as necessitated by the Guidelines, including a statement by the Examiner identifying which one of the seven rationales the Examiner is relying on and the proper analysis of that particular rationale, as required by the Guidelines.*

Applicant's Claims are Patentable over the Proposed *Livesay-Swamy* Combination

Applicant respectfully submits that Claim 29 is considered patentably distinguishable over the proposed combination of *Livesay* and *Swamy*. This being the case, Claims 37, 45, and 54-56 are also considered patentably distinguishable over the proposed combination of *Livesay* and *Swamy*, for at least the reasons discussed above in connection with Claim 29.

Dependent Claims 30-36, 38-44, and 46-52 depend from Claims 29, 37, and 45, respectively. As mentioned above, each of Claims 29, 37, and 45 are considered patentably distinguishable over *Livesay*. Thus, dependent Claims 30-36, 38-44, and 46-52 are considered to be in condition for allowance for at least the reason of depending from an allowable claim.

For at least the reasons set forth herein, Applicant respectfully submits that Claims 29-52 and 54-56 are not rendered obvious by the proposed combination of *Livesay* and *Swamy*. Applicant further respectfully submits that Claims 29-52 and 54-56 are in condition for allowance. Thus, Applicant respectfully requests that the rejection of Claims 29-52 and 54-56 under 35 U.S.C. § 102(e) be reconsidered and that Claims 29-52 and 54-56 be allowed.

CONCLUSION:

In view of the foregoing amendments and remarks, this application is considered to be in condition for allowance, and early reconsideration and a Notice of Allowance are earnestly solicited.

Although Applicant believes no fees are deemed to be necessary; the undersigned hereby authorizes the Director to charge any additional fees which may be required, or credit any overpayments, to **Deposit Account No. 500777**. If an extension of time is necessary for allowing this Response to be timely filed, this document is to be construed as also constituting a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) to the extent necessary. Any fee required for such Petition for Extension of Time should be charged to **Deposit Account No. 500777**.

Please link this application to Customer No. 53184 so that its status may be checked via the PAIR System.

Respectfully submitted,

27 July 2009   /Steven J. Laureanti/signed
Date   Steven J. Laureanti, Registration No. 50,274

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